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TOWNSEND and TOWNSEND and CREW LLP

By: 

PATENT

Attorney Docket No.: 17634-000512US

Client Reference No.: E-142-96/?



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian R. Murphy, et al.

Application No.: 09/444,067

Filed: November 19, 1999

For: PRODUCTION OF ATTENUATED
RESPIRATORY SYNCYTIAL VIRUS
VACCINES FROM CLONED
NUCLEOTIDE SEQUENCES

Examiner: B. Brumback

Art Unit: 1642

**RESPONSE TO RESTRICTION
REQUIREMENT**

5/A
KD
5-2-00

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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In response to the Restriction Requirement mailed April 14, 2000, Applicants respectfully request reconsideration of the indicated restriction.

A Preliminary Amendment was filed in this matter on February 28, 2000 and received by the Patent Office on March 7, 2000, as evidenced by the enclosed copy of the stamped return postcard. A copy of the Preliminary Amendment as filed is attached.

The Preliminary Amendment requested that claims 1 – 62 be canceled without prejudice, and that claims 63 – 163 be added, consistent with the restriction requirement mailed on December 10, 1997, in the parent application, Serial No. 08/892,403, filed July 15, 1997.

Applicants respectfully request that the Restriction Requirement in the instant application be withdrawn, and examination proceed with the inclusion of the filed Preliminary Amendment.

The claims presented in the Preliminary Amendment are believed to be consistent with the Restriction Requirement in the parent application, at least to the extent that

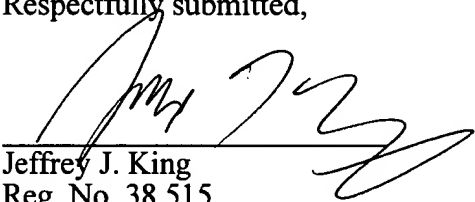
the Restriction Requirement substantively addressed the subject matter of the original claims. The claims now presented for consideration are clearly related in fundamental aspects. Further restriction or species segregation of these claims would impose an undue burden on Applicants and result in a protracted, uncoordinated review process. In contrast, although certain aspects of the claims may be separate and distinct, no undue burden would be imposed on the Office to prosecute these claims together on their merits in a single application. The respective subject matter of the claims presented in the Preliminary Amendment does not present "a separate subject for inventive effort, and also a separate field of search" (see, e.g., MPEP § 808.02).

Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: 5/7/00


Jeffrey J. King
Reg. No. 38,515

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TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

PATENT

Attorney Docket No.: 17634-000512US



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NUCLEOTIDE SEQUENCES

Examiner: Unassigned

Art Unit: 1643

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to calculating the claims fee, please enter the following amendments in the above-identified application.

IN THE SPECIFICATION:

Please amend the specification as follows:

At page 1, please delete lines 7-11 setting forth cross-references to related applications and substitute therefor the following -- This application is a divisional of U.S. Patent Application No. 08/892,403, filed July 15, 1997; which is a Continuation-In-Part of U.S. Provisional Application Nos. 60/047,634, filed May 23, 1997; 60/046,141, filed May 9, 1997; and 60/021,773, filed July 15, 1996. --

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